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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - NEW ENGLAND
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912**

FEB 11 2013

NOTICE OF DECISION NOT TO USE SPECIAL NOTICE PROCEDURES
URGENT LEGAL MATTER
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

The Original Bradford Soap Works, Inc.
c/o Richard A. Sherman, Esq.
Edwards & Angell, LLP
2800 Financial Plaza
Providence, RI 02903
rsherman@eapdlaw

Re: Notice of Decision Not to Use Section 122(e) Special Notice Procedures
Centredale Manor Restoration Project Superfund Site, North Providence, Rhode Island

Dear Mr. Sherman:

This letter notifies you that EPA has determined not to use special notice procedures pursuant to Section 122(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9622(e), regarding the Remedial Design/Remedial Action at the Centredale Manor Restoration Project Superfund Site in North Providence, RI ("Site").

BACKGROUND

As indicated in the General Notice Letter issued on March 3, 2003, EPA has evaluated information in connection with the investigation of the Site. EPA has information indicating that The Original Bradford Soap Works, Inc. ("Original Bradford Soap") is a potentially responsible party ("PRP") as defined at Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), with respect to hazardous substances at this Site. PRPs under CERCLA include current and former owners and operators of the Site as well as persons who arranged for disposal or treatment of hazardous substances sent to the Site, or persons who accepted hazardous substances for transport to the Site. Under CERCLA, Original Bradford Soap and the other PRPs at the Site are responsible for the costs of cleaning up the Site. EPA has selected a cleanup approach (formally known as a remedial action) for the Site, which is described in the Record of Decision ("ROD") issued by EPA on September 28, 2012.

DECISION NOT TO USE SPECIAL NOTICE

Under CERCLA Section 122(e), 42 U.S.C. § 9622(e), EPA has the discretionary authority to invoke special notice procedures to formally negotiate the terms of an agreement between EPA and PRPs to conduct or finance response activities. Use of these special notice procedures



triggers a moratorium on certain EPA activities at the site while formal negotiations between EPA and the PRPs are conducted.

In this case, EPA has decided not to invoke the Section 122(e) special notice procedures. As referenced in the July 30, 2012 and August 23, 2012 letters you received from the United States, the Court in the consolidated case Emhart Industries, Inc. v. United States Department of the Air Force, et al., No. 11-023-S, and Emhart Industries, Inc. v. New England Container Company, Inc., et al., No. 06-218-S (D.R.I.) entered a Revised Case Management Order on July 24, 2012, enclosed herewith, that set September 28, 2012 as the deadline for the United States to add third parties to the case, and October 29, 2012 as the deadline for the other parties to add third parties to the case. As you are aware, pursuant to the Revised Case Management Order, the United States filed a third-party complaint on September 28, 2012 against twelve parties, including Original Bradford Soap. NECC filed a third-party complaint against seven additional parties on October 30, 2012 and November 12, 2012.

As stated in the Second Revised Case Management Order, entered January 2, 2013 and enclosed herewith, the Court has ordered mediation to proceed in parallel with the litigation. Mediation is to begin by January 31, 2013, and trial is scheduled for approximately April 2014. Given the unusual circumstance of litigation in this case, and because the parties involved in the litigation will be adhering to the timeline imposed by the Court, which contemplates a period of mediation, EPA has made a case-specific determination not to invoke the Section 122(e) special notice procedures.

The decision not to use special notice procedures does not preclude you from entering into discussions with EPA regarding your participation in response activities at the Site. This decision simply means that EPA will not use special notice procedures to govern any future decisions. EPA is hopeful that the mediation process will, in part, serve as a substitute for special notice negotiations. All third parties added to the case in September, October, and November will have an opportunity to discuss settlement through the course of mediation. EPA encourages all PRP offers regarding settlement of this matter and cleanup of this Site.

If you wish to speak with a member of the EPA case team assigned to the Site, please contact Eve Vaudo, Senior Enforcement Counsel, at (617) 918-1089 or Joy Sun, Enforcement Counsel, at (617) 918-1018.

Thank you very much for your attention to this important matter.

Sincerely,



James T. Owens, III
Director, Office of Site Remediation and Restoration

Enclosures

**cc: Susan Forcier, RIDEM
Louis Maccarone, RIDEM
Anna Krasko, EPA Remedial Project Manager
Scott Bauer, Trial Attorney, USDOJ
Jerome McLaughlin, Trial Attorney, USDOJ
Joshua Levin, USDOJ
Chin-Zen Plotner, US Navy
Tracy Jane Andrews, US Air Force
Ken Finkelstein, NOAA
Ken Munney, USFWS
Patti Ludwig, CERCLIS Coordinator**

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The Original Bradford Soap Works,
Inc.

c/o Richard A. Sherman, Esq.
Edwards & Angell, LLP
2800 Financial Plaza
Providence, RI 02903

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Inc.

Sent

c/o Richard A. Sherman, Esq.

Street
or PO

Edwards & Angell, LLP

City, &

2800 Financial Plaza

Providence, RI 02903

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PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047